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United States Lifesaving Association  
National Certification Committee Chair; Chris Brewster  
PO Box 366  
Huntington Beach, CA 92648

Dear Mr. Brewster:

My name is Carl Ragasa. Please consider this document as a formal complaint that I make to you in your capacity as the Chair of the National Certification Committee for the United States Lifesaving Agency ("USLA").

**A. My Professional Background**

I have worked as an open ocean water safety officer for the County of Kauai in one capacity or another since 1992. From the time that I started work until July 2000, I was, first as Water Safety Officer ("WSO") Level I and later as WSO Level II, under the direct administration of the County of Kauai Public Works Department, Parks and Recreation Division ("Parks and Recreation"). Since July 2000 to the present, I have been a WSO Level II under the direct administration of the Kauai Fire Department ("KFD").

**B. KFD's Fraud upon USLA and Public Safety**

Ever since I have worked under the direct administration of KFD, the work conditions and missions readiness of all open waters safety officers on Kauai has greatly declined. At the same time, public safety for Kauai beachgoers has been seriously compromised. These dangerous and unacceptable conditions now exist, and have existed for almost three (3) years, primarily because KFD has wrongfully used USLA's good name and reputation to perpetrate a fraud upon Kauai's beachgoing visitors and residents. KFD's scheme and artifice has been executed by its placing and mandating that unqualified KFD personnel command and control all aspects of open water lifesaving standards, training and certification procedures for all of Kauai's water safety officers.

**C. The Importance of USLA as Regulatory Agency in Hawaii.**

As you may or may not know, in the State of Hawaii, there are no by statutes, ordinances, rules or regulations that pertain to open water lifesaving standards. The Island and County of Kauai is a political subdivision of the State of Hawaii. Likewise, on the island of Kauai, like the

rest of the islands and counties of Hawaii, there are no statutes, ordinances, rules or regulations that pertain to open water lifesaving standards. Therefore, the only recognized authority in Hawaii and on Kauai for open water lifesaving standards are those of USLA.

**D. KFD has Provided False Information to USLA**

KFD has provided false information to USLA with respect to its standards and training. While KFD is not even certified by USLA, it acts as though and holds itself out to the world and the public at large that it is. As such, I request that you push KFD to comply with recognized national open water lifesaving standards, as I have been doing ever since KFD became my employer.

Specifically, KFD is now and has been since at least January 2001 using KFD Fireman Sid Kini as a USLA Lifeguard Agency Certification Program Instructor to train Water Safety Officers in open water lifesaving. This is a blatant fraud perpetrated upon all of the Water Safety Officers on Kauai, and the residents of and visitors to Kauai by former KFD Fire Chief David Sproat, former KFD Ocean Safety Battalion Chief Robert Kaden, former KFD Battalion Chief David Walker, KFD Fire Chief Charles Hiramoto and KFD Battalion Chief Teddy Williams, Fireman Kini himself, and possibly others elected and non-elected officials within the County of Kauai government.

Of possibly even greater concern to you, oceans safety administrator Ralph Goto, who is the Pacific Island Region certification officer for USLA, is fully aware of KFD's fraud, but has neither said nor done anything to correct it.

Worst of all, at least six (6) WSO's on full-time current active duty on Kauai received their initial USLA open water certification training from Fireman Kini. His and KFD's ongoing fraud has clearly resulted in the compromise of beachgoers' safety here on Kauai. Simply put, several people have already drowned as a direct result of this ongoing situation. The main question is how many more will needlessly die before someone does something.

The nomenclature of KFD's fraud upon USLA is set forth hereinbelow.

Mr. Kini became a full time KFD Fireman in 1990. At that time, the USLA Lifeguard Agency Certification Program did not even exist.

In 1992, a full (2) two years after Mr. Kini became a KFD Fireman; your agency started the USLA Lifeguard Agency Certification Program. Prior to that time, the Red Cross, not USLA has certified all WSOs on Kauai in open water lifesaving standards and training, and all of the WSOs worked for Parks and Recreation, not KFD.

Sometime after 1992, but in no event later than 1996, USLA designated the Hawaii Lifesaving Agency ("HLA") as certified agency for open water lifesaving. At that time, the HLA was headed by Ralph Goto and encompassed all of the WSOs in all of the counties of the

State of Hawaii, including Kauai. When USLA first certified HLA, WSO III Nathan "Kaleo" Hookano was the USLA Certified Water Safety Training Officer on Kauai acting under Mr. Goto.

In 1998, Mr. Goto of HLA told WSO III Hookano that he was overworked and wanted the County of Kauai Parks and Recreation Division to apply for its own USLA open water lifesaving agency certification in order to lighten his burden. WSO III Hookano complied with Mr. Goto's request and filled out an application with USLA that same year. USLA issued the certification to the County of Kauai Parks and Recreation Division Water Safety Section later still in 1998.

In March of 2000, then County of Kauai Mayor decided to transfer all WSOs from Parks and Recreation to KFD, but delayed the actual transfer until July 2000.

In May 2000, during the three (3) month period between the time that Mayor Kusaka decided to make the transfer of the WSOs out of Parks and Recreation and the time that the transfer was actually made to KFD, USLA replaced the Red Cross and certified Parks and Recreation as a USLA certified "lifeguard agency." It is important to bear in mind that at no time did either Red Cross or USLA ever certify KFD as a "lifeguard agency." As I understand it, when USLA issues a "lifeguard agency certification" the certification does not extend to every person in the agency. As such, the mere fact that in May 2000, USLA certified Parks and Recreation as a "lifeguard agency", it does not mean that every person that is employed by that agency is certified as a lifeguard under USLA standards. Rather, the USLA certification is only for the lifeguard program that then exists within the USLA certified lifeguard agency.

Under USLA certification of lifeguard agencies, Parks and Recreation, in the months and years between the time that it applied for USLA lifeguard agency certification and the time of the certification itself, had to verify to USLA that all persons covered by the lifeguard agency certification undergo the training noted in the application and maintain the standards required (swim test, etc.) of a USLA lifeguard agency.

Under USLA Guidelines for open water lifeguard agency certification, a USLA instructor must have the following **minimum** requirements in order to be a USLA certified instructor:

"Must have worked a minimum cumulative total of 1,000 hours of employment compiled in no fewer than three seasons as a seasonal open water lifeguard or a full time open water lifeguard agency which meets the standards of USLA. (Agencies applying for initial certification may need to request a waiver from this requirement)."

In July 2000, the WSOs were actually transferred out of Parks and Recreation and into KFD. At that time, WSO Supervisors Kaleo Hookano and Randy Ortiz were the only two persons within Parks and Recreation that were qualified to train and certify lifeguards in open water lifesaving under the USLA Lifeguard Agency Certification Program. For the next several

months. KFD Chief Sproat left both WSO Supervisors Hookano and Ortiz in charge of training and certifying the other WSOs, including me.

That all changed in January 2001. In that month, KFD Chief Sproat placed command and control of all of the thirty (30) or so WSOs on Kauai, including WSO Supervisors Hookano and Ortiz, under KFD Battalion Chief Robert Kaden ("BC Kaden"). A few months after BC Kaden took over direct command and control of the WSOs, he, in turn, appointed Fireman Kini to take over all open water training and certification of all the WSOs. Once again, being Fireman Kini had been a KFD Fireman since March 1990 and that the USLA Lifeguard Agency Certification Program did not even exist until 1992, it is simply impossible for him to ever have been qualified by USLA to be the lead instructor for any USLA sanctioned open water courses. Fireman Kini did not, and could not possibly have, worked a minimum cumulative total of 1,000 hours of employment compiled in no fewer than three seasons as a seasonal open water lifeguard or a full time open water lifeguard agency which meets the standards of USLA. Moreover, at no time did Parks and Recreation ever request that USLA waive those requirements for Fireman Kini.

In the months that followed Fireman Kini's appointment by BC Kaden to be the lead instructor for USLA-sanctioned open watercourses, Fireman Kini held and instructed several so-called USLA training courses for all of the WSOs. These courses were, of course, all both substandard and fraudulent. Fireman Kini was not then, was not before then, and is not now, part of the lifeguard program that USLA certified back in 1998. Unlike WSO Supervisors Hookano and Ortiz, KFD Fireman Kini was a fireman in KFD; not a lifeguard in Park and Recreation after the USLA Lifeguard Agency Certification Program first came into existence in 1992.

When Fireman Kini conducts his fraudulent USLA sanctioned open water courses, it is his custom and habit to issue verification cards to his "trainees" that bear the words "United States Lifeguard Association Kauai County, Kauai Fire Department, Water Safety Agency Certification Program" on the front. Again, KFD is not a USLA certified agency, and Fireman Kini was never a part of Parks and Recreation at any time during USLA's existence. In essence, Fireman Kini, who is not certified in any way, shape or form by USLA, trained WSOs in open water training that does not meet USLA standards, and then fraudulently issued USLA sanctioned certification cards to those training WSOs.

I am ready, willing and able to provide documents to prove all that I have stated in this complaint to you upon request.

I trust and hope that this format meets USLA criteria to qualify as a formal complaint. If there is a problem with the way that either the form or substance of this document such that it somehow disqualifies it as being a formal complaint, please so inform me and I will take corrective action. In any event, public safety has been compromised under the guides of USLA's good name. I hereby formally request that you take the strongest corrective action possible in the fastest way before more preventable result here on Kauai as a result of KFD

fraudulent and substandard open water training and practices before more needless drownings occur.

I anxiously await your response. You may contact me at ckragasa@yahoo.com or call me at (808) 635-6202/(808) 822-7109.

Mahalo.

Carl Ragasa

cc: Lani Nakazawa, County Attorney for the County of Kauai  
Don Rohrer, USLA President/Southwest Region Vice-President  
Rob McGowan, USLA Southwest Region Board of Directors President

I agree that the fore mentioned statements are true to the best of my knowledge and I am in agreement and give my consent to have this information made public in an effort to improve the County of Kauai's water safety system.

1. Mychal Y. Emma 8-20-03

~~I agree that to my~~ <sup>NH</sup>

2. Norman Hunter

8/29/03

3. W. L. D. - 8/25/03

4. [Signature]

8/25/03

8/29/03